

REMARKS

Claims 1-33 stand rejected. Claims 1-33 remain pending. Applicant respectfully requests further examination and reconsideration in view of the remarks set forth below. Applicant believes that the amendments herein to the patent application do not add new matter to it.

Official Notices

In Applicant's previous response, filed September 29, 2005, Applicant submitted that the Office Action mailed on September 24, 2004, contained no Official Notices, as Examiner asserted in the Office Action mailed June 3, 2005 ("Because Applicants have failed to challenge any of Examiner's 'Official Notices' (e.g. as in claims 1 and 13) stated in the previous office action in a proper and reasonably manner, they are now considered as admitted prior art. See MPEP 2144.03"). As such, Applicant respectfully submitted that the above assertion was improper. In the present office action, Examiner did respond to Applicant's assertion regarding Official Notion. Applicant therefore understands Examiner's acquiescence as an acknowledgment that the assertion was improper.

35 U.S.C. §103 Rejections

Claims 1, 2, 4-7, 10, 12-14, 16, 17, 19, 21, 23, 24, 28, 29 and 31-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saito, U.S. Patent No. 6,002,772 (hereinafter Saito) in view of McTernan et al., U.S. Patent Application Pub. No. 2001/0047401 (hereinafter McTernan). Claims 3, 15, 18 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saito and McTernan in view of Herlin et al.,

U.S. Patent No. 5,915,021. Claims 8, 9, 20 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saito and McTernan in view of Wiser et al., U.S. Patent No. 6,385,596. Claims 11, 22, 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saito and McTernan in view of Saito, U.S. Patent No. 5,867,579.

CLAIMS 1, 2, 4-7, 10 and 12

Applicant respectfully asserts that Saito and McTernan, alone or in combination, do not teach or suggest subject matter recited in independent Claim 1. For instance, Claim 1 recites in part (emphasis added):

software operating on said media supplier encrypting and ***transmitting said media content*** to said first client device after said coupling said first client device to said media supplier, said software regulates distribution of said media content;

* * *

said software transmitting a copy of said software to said first client device;

* * *

said copy of said software operating on said first client device encrypting and ***transmitting said media content*** to a second client device;

Applicant respectfully contends that Saito and McTernan, alone or in combination, fail to teach or suggest the same software both encrypting and ***transmitting the media content*** or the ***copy of said software***, as recited in independent Claim 1. Saito goes to great lengths discussing the encryption operations of its “data management program” (see column 18, bullet points 5, 7, 10, etc.), but it neither discusses nor suggests any involvement of the data management program in the ***transmission*** of any media

content or a copy of the data management program. Therefore, Applicant respectfully submits that Saito and McTernan, alone or in combination, fail to teach or suggest the above limitation as specifically recited in independent Claim 1. Since Saito and McTernan, alone or in combination, fail to teach or suggest at least one element recited in Claim 1, Applicant respectfully asserts that Claim 1 is not rendered obvious by Saito and McTernan. Therefore, Applicant respectfully submits that amended Claim 1 is allowable over Saito and McTernan. Furthermore, since Claims 2, 4-7, 10 and 12 depend from independent Claim 1, Applicant respectfully submits Claims 2, 4-7, 10 and 12 derive patentability at least therefrom.

CLAIMS 13, 14, 16, 17, 19, 21 and 23

Applicant respectfully contends that Saito and McTernan, alone or in combination, fail to teach or suggest subject matter recited in independent Claim 13. For instance, Claim 13 recites in part (emphasis added):

software operating on a media supplier chosen from said list encrypting and ***transmitting said media content*** to said first client device, said software controls distribution of said media content;

said software transmitting a copy of said software to said first client device;

* * *

said copy of said software operating on said first client device encrypting and ***transmitting said media content*** to a second client device;

Applicant respectfully contends that Saito and McTernan, alone or in combination, fail to teach or suggest the same software both encrypting and ***transmitting the media content*** or the ***copy of said software***, as recited in independent Claim 13. Saito goes

to great lengths discussing the encryption operations of its “data management program” (see column 18, bullet points 5, 7, 10, etc.), but it neither discusses nor suggests any involvement of the data management program in the **transmission** of any media content or a copy of the data management program. Therefore, Applicant respectfully submits that Saito and McTernan, alone or in combination, fail to teach or suggest at least one element recited in Claim 13, Applicant respectfully contends that Claim 13 is not rendered obvious by Saito and McTernan. Therefore, Applicant respectfully submits that Claim 13 is allowable over Saito and McTernan. Additionally, since Claims 14, 16, 17, 19, 21 and 23 depend from independent Claim 13, Applicant respectfully submits Claims 14, 16, 17, 19, 21 and 23 derive patentability at least therefrom.

CLAIMS 24, 28, 29 and 31-33

Applicant respectfully asserts that Saito and McTernan, alone or in combination, do not teach or suggest subject matter recited in independent Claim 24. For instance, Claim 24 recites in part (emphasis added):

a media supplier upon which software operates for encrypting and **transmitting media content** and for **transmitting a copy of said software**, said software regulates distribution of said media content;

Applicant respectfully contends that Saito and McTernan, alone or in combination, fail to teach or suggest the same software both encrypting and **transmitting the media content** or the **copy of said software**, as recited in independent Claim 24. Saito goes to great lengths discussing the encryption operations of its “data management program” (see column 18, bullet points 5, 7, 10, etc.), but it neither discusses nor suggests any involvement of the data management program in the **transmission** of any media

content or a copy of the data management program. Therefore, Applicant respectfully submits that Saito and McTernan, alone or in combination, do not teach or suggest at least one element recited in Claim 24, Applicant respectfully asserts that amended Claim 24 is not rendered obvious by Saito and McTernan. Therefore, Applicant respectfully submits that Claim 24 is allowable over Saito and McTernan. Additionally, since Claims 28, 29 and 31-33 depend from independent Claim 24, Applicant respectfully submits Claims 28, 29 and 31-33 derive patentability at least therefrom.

CONCLUSION

In light of the above remarks, Applicant respectfully requests reconsideration of rejected Claims 1-33.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: _____

2/14/06



James P. Hao
Registration No.: 36,398

Two North Market Street, Third Floor
San Jose, CA 95113

(408) 938-9060
Facsimile: (408) 938-9069